IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 14144 of 2004

Between:

P.Prabhakar Rao, s/o P.Laxmana Charyulu,
Nereducherla Telephone Exchange, Kodada Division,
Nalgonda District, r/o Nalgonda.

..... PETITIONER

AND

1 The Chief General Manager Telecommunications, BSNL Dept. of Telecommunications,
A.P.Circle, Abids, Hyderabad.
2 The General Manager, BSNL, Nalgonda Telecom District,
Nalgonda.
3 The Dy.General Manager (A&P) O/o GMTD, Nalgonda Telecom District, BSNL Dept. of Telecommunications, Nalgonda.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction more particularly one in the nature of mandamus by declaring the action on the part of the respondents in not relieving the petitioner for sending him training for JTO induction batch as arbitrary, illegal and unjust and consequently direct the respondents to relieve the petitioner and send him training for JTO induction batch and promote him to the post of JTO with all benefits

Counsel for the Petitioner: MR.M.V.KRISHNA MOHAN

Counsel for the Respondent No.: Mr. B.NARASIMHA SARMA

The Court made the following :

ORDER:

The petitioner is working as Telecom Technical Assistant in the respondent-corporation. He is one of the candidates selected for the post of Junior Telecom Officers. He is at Sl.No.19 of the selected candidates for category-II posts. The petitioner is facing an enquiry in the form of disciplinary proceedings and the same is pending with the second respondent. The petitioner has to report to induction training, which is going to be commenced from 16.08.2004.

The grievance of the petitioner is that he is not being relieved by the concerned authority, therefore, he will not be in a position to attend the training course which commences from 16.08.2004.

The learned counsel for the respondents submitted that the Officers, against whom, no disciplinary cases are pending are contemplated and those Officers, who received punishments, like stoppage of increments etc., cannot be taken for training, and if, there are any such punishments, it may be intimated to the Assistant Director, Staff-II at Hyderabad. The learned counsel further submits that since the petitioner is facing an enquiry, he could not be relieved for the purpose of undergoing training. Therefore, the petitioner cannot attribute any mala fidies to the respondents.

The learned counsel for the petitioner represented that the respondents are not expediting the enquiry pending against the petitioner and the delay in proceeding with the enquiry is causing any amount of prejudice to him by way of denying the opportunity of promotion.

In the light of the circumstances explained by the petitioner, the second respondent is directed to expedite the disciplinary proceedings and pass final orders at the earliest. In the event of the exoneration of the petitioner from the charges, he shall be considered for promotion on the basis of the list of selected candidates and also provide him an opportunity of undergoing training to enable him to get

the benefits of the promotion post.

Writ petition is accordingly disposed of. No order as to costs.

_____

(G.YETHIRAJULU,J)

klp/va

To

1 The Chief General Manager Telecommunications, BSNL Dept. of Telecommunications,
A.P.Circle, Abids, Hyderabad.
2 The General Manager, BSNL, Nalgonda Telecom District,
Nalgonda.
3 The Dy.General Manager (A&P) O/o GMTD, Nalgonda Telecom District, BSNL Dept. of Telecommunications, Nalgonda.

4 2CD copies